

REPORT OF THE COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair; Ann H. Kobayashi, Vice Chair;
Brandon J.C. Elefante, Joey Manahan, Trevor Ozawa

Committee Meeting Held
July 26, 2017

Honorable Ron Menor
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Works, Infrastructure and Sustainability, which considered Resolution 17-193 entitled:

“RESOLUTION REQUESTING THE CITY ADMINISTRATION TO UPGRADE THE CITY'S WASTEWATER SYSTEM TO ADDRESS SEWER CAPACITY PROBLEMS, GIVING PRIORITY TO THOSE RESIDENTIAL COMMUNITIES IN WHICH ACCESSORY DWELLING UNIT BUILDING PERMITS HAVE BEEN DENIED BECAUSE OF INADEQUATE SEWERAGE INFRASTRUCTURE,”

introduced on July 18, 2017, reports as follows:

The purpose of the Resolution is to request the City Administration to expeditiously upgrade the City's wastewater system to address sewer capacity problems, giving priority to those residential communities in which accessory dwelling unit building permits have been denied because of inadequate sewerage infrastructure.

The Director of the Department of Environmental Services testified that her department is working with Department of Planning and Permitting to identify the numbers of ADU building permits that have been denied due to inadequate sewer capacity, and the neighborhoods in which multiple ADU building permits have been denied. She believes that both departments will be able to provide the City Council with additional information to prioritize communities requiring infrastructure upgrades to help facilitate development of ADU housing alternatives.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

AUG 09 2017

COMMITTEE REPORT NO. **299**

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The Acting Director of Planning and Permitting further noted that the department is reviewing the current number of ADU building permit denials to determine whether these permits have received 'temporary' denials, or specific determinations that the ADU cannot be developed without a particular sewer capacity upgrade, or a denial that means a specified area is not suitable for ADU development.

Your Committee received comments on the Resolution from two individuals who raised concerns about the urgent need for affordable housing.

Your Committee considered and approved a CD1 version that makes the following amendments:

1. Adds new 2nd and 3rd RESOLVED paragraphs to seek a progress report from the City administration on its actions to address issues relating to ADU building permit denials due to inadequate sewer capacity, including the number of ADU building permits that have been denied, the location of properties for which ADU building permits have been denied, sewer capacity improvements (including anticipated completion dates of pertinent projects) in neighborhoods lacking adequate sewer capacity, sewer capacity monitoring and measurement improvements, and improvements in the ADU building permit process.
2. Requires the progress report to be submitted to the City Council within 90 days following the adoption of the resolution.

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Your Committee on Public Works, Infrastructure and Sustainability is in accord with the intent and purpose of Resolution 17-193, as amended herein, and recommends its adoption in the form attached hereto as Resolution 17-193, CD1. (Ayes: Fukunaga, Elefante, Kobayashi, Manahan – 4; Noes: None; Excused: Ozawa – 1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON AUG 09 2017

COMMITTEE REPORT NO. 299



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 17-193, CD1

RESOLUTION

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO UPGRADE THE CITY'S WASTEWATER SYSTEM TO ADDRESS SEWER CAPACITY PROBLEMS, GIVING PRIORITY TO THOSE RESIDENTIAL COMMUNITIES IN WHICH ACCESSORY DWELLING UNIT BUILDING PERMITS HAVE BEEN DENIED BECAUSE OF INADEQUATE SEWERAGE INFRASTRUCTURE.

WHEREAS, Ordinance 15-41, enacted on September 14, 2015, was a key component of the Mayor's islandwide housing initiative, and was intended to produce affordable rental housing by allowing Oahu residential property owners to build a small rental unit, known as an accessory dwelling unit ("ADU") on their property; and

WHEREAS, an ADU is a second smaller housing unit with a separate entry, kitchen, and bathroom, either attached to or detached from the main dwelling, which may be rented out to either family members or outside parties for minimum lease terms of six months; and

WHEREAS, the minimum lot size that qualifies for an ADU is 3,500 square feet, and the maximum floor area for an ADU is 400 square feet for smaller zoning lots between 3,500 and 5,000 square feet, while the maximum floor area for an ADU is 800 square feet for zoning lots larger than 5,000 square feet; and

WHEREAS, ADUs are only allowed in areas where wastewater, water, and transportation facilities are adequate to support ADUs, and applicants for an ADU building permit must obtain written confirmation from the City agencies managing sewage, water, and access roadways that the infrastructure is sufficient to support the additional ADU; and

WHEREAS, Ordinance 16-19, enacted on July 21, 2016, was intended to provide incentives for residential property owners to construct ADUs on their property, and established a two-year period during which ADU building permit applicants would receive waivers from park dedication requirements, and from certain fees such as: wastewater system facility charges; plan review and building permit fees; and grading, grubbing, and stockpiling permit fees; and

WHEREAS, in order to expedite the ADU permitting process, Ordinance 16-19 also required the Department of Planning and Permitting ("DPP") to act on an ADU building permit application within 60 days after receipt of a complete application containing all required information, and if the DPP did not take action within that time it would result in automatic approval of the application; and



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WHEREAS, some residential property owners have been denied ADU building permits because of insufficient infrastructure, primarily inadequate sewer capacity, and in response, Ordinance 17-30, enacted on June 28, 2017, extended by two years the period of time that the ADU incentives established in Ordinance 16-19 would remain in effect; and

WHEREAS, residential property owners have complained that their ADU building permit applications were denied after the Department of Environmental Services began using a more sophisticated wastewater flow model, which identified additional capacity problems requiring wastewater system upgrades; and

WHEREAS, it appears that the City Administration has been aware of infrastructure adequacy problems, particularly sewer capacity issues in Oahu residential communities since at least 1999, when the ordinance allowing ohana units was enacted to encourage and accommodate extended family living; and

WHEREAS, progress to increase the City's sewer capacity in many Oahu areas has been slow, impeding efforts to build more ADUs to alleviate the City's acute housing shortage; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it requests the City Administration to expeditiously upgrade the City's wastewater system to address sewer capacity problems, giving priority to those residential communities in which ADU building permits have been denied because of inadequate sewerage infrastructure; and

BE IT FURTHER RESOLVED that the City Administration prepare a report discussing its progress in addressing issues related to ADU building permit denials due to inadequate sewage capacity, including but not limited to:

- 1) The number of ADU building permits that have been denied due to inadequate sewer capacity,
- 2) The location of properties for which ADU building permits have been denied due to inadequate sewer capacity,
- 3) Sewer capacity improvements, including anticipated completion dates of pertinent projects, in neighborhoods where ADU building permits have been denied due to inadequate sewer capacity,
- 4) Sewer capacity monitoring and measurement improvements, and



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5) Improvements in the ADU building permit application process; and

BE IT FURTHER RESOLVED that the foregoing report be submitted to the Council no later than 90 days following the adoption of this resolution; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Acting Director of Planning and Permitting, and the Director of Environmental Services.

INTRODUCED BY:

Ernest Martin

DATE OF INTRODUCTION:

July 18, 2017
Honolulu, Hawaii

Councilmembers